

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM BILLY GENE CARTER,)
Petitioner,)
v.) No. 4:10-CV-01914 NAB
ALAN BLAKE,)
Respondent.)

O R D E R

Presently before the Court is a motion to rescind a plea entered in state court filed by William Billy Gene Carter (“Carter”).

The federal district court lacks jurisdiction to compel the state court to allow a defendant to withdraw a plea entered in state court. *See Fisher v. Clayton*, 168 Fed.Appx. 620, 621 (5th Cir. 2006) (citing *Moye v. Clerk, DeKalb Cnty. Superior Court*, 474 F.2d 1275, 1275-76 (5th Cir.1973); *Santee v. Quinlan*, 115 F.3d 355, 356 (5th Cir.1997)). Therefore, this Court does not have jurisdiction to entertain Carter’s motion.

ACCORDINGLY,

IT IS HEREBY ORDERED that Carter’s motion to rescind his plea entered in state court is **DENIED**.

Dated this 11th day of July, 2011.

/s/ Nannette A. Baker _____
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE